

REMARKS

This application has been carefully reviewed in light of the Office Action dated August 22, 2003 (Paper No. 8). Claims 1 to 77 have been cancelled, and new Claims 78 to 93 substituted therefor. Claims 78, 87, 90, 91, 92 and 93 are independent.

Reconsideration and further examination are respectfully requested.

A new title has been selected.

Claims 1 to 77 had been rejected under 35 U.S.C. § 112, second paragraph, and had further been rejected under § 102 and § 103 principally over U.S. Patent 3,953,862 (Amberntsson), European 1,142,719 (Mashiko)^{1/} and U.S. Patent 1,057,644 (Hirano). In response, Claims 1 to 77 have been cancelled without prejudice or disclaimer of subject matter, and without conceding the correctness of their rejections. Claims 78 to 93 are believed to define patentably over the applied art for at least the following reasons.

The present invention concerns a structure having a gas-liquid separating element which allows gas to pass therethrough while blocking passage of a liquid. The gas-liquid separating element is positioned in an opening formed in the structure, and application of energy while joining them together often results in an adverse effect on a working portion of the gas-liquid separating element, such that its performance deteriorates.

^{1/}The rejection over Mashiko was entered under 35 U.S.C. § 102(e) which is clearly erroneous since Mashiko is a European publication for which § 102(e) does not apply. However, since Mashiko was published in October, 2001, which pre-dates the U.S. filing date for the subject application, it is believed that the Examiner intended to enter her rejection under § 102(a). If this was not the Examiner's intention, then clarification of the matter is requested in the next Office Action. In addition, the accompanying Information Disclosure Statement lists U.S. Published Application No. 2001/0037629 which claims priority from the same basic Japanese applications as the European publication to Mashiko, and is therefore believed to be a U.S. counterpart. Consideration of this document, as well as all the documents in the Information Disclosure Statement, is respectfully requested.

The present invention addresses the foregoing drawback by restricting transfer of energy while joining the gas-liquid separating element to its corresponding opening, such that the working portion is unaffected by the energy that otherwise joins the gas-liquid separating element to the opening. By virtue of this feature, functionality of the working portion in the gas-liquid separating element is unaffected by this energy, such that functionality of the working portion is maintained.

Amberntsson discloses a structure in which a gas-liquid separating film is disposed in an atmosphere communication portion. Contrary to the invention, however, Amberntsson nowhere discloses how its gas-liquid separating film is mounted to the atmosphere communication portion. As a consequence, Amberntsson nowhere discloses or suggests the structure of the manufacturing apparatus and method of the present invention, nor does it disclose or suggest the resulting structure. This lack of disclosure follows naturally from Amberntsson's failure to recognize the problem that a gas-liquid separating element might be adversely influenced by energy applied while mounting the gas-liquid separating film to the atmosphere communication portion. Since Amberntsson does not recognize these problems, it could not possibly suggest a solution to them.

Mashiko and Hirano, like Amberntsson, nowhere recognize the problems involved in joining a gas-liquid separating element to its opening, nor do they recognize the specific problems of joining a gas-liquid separating element to an opening by applied energy. Hence, these references could not possibly disclose how the gas-liquid separating film is mounted, and it is Applicants' position that they do not disclose anything that anticipated or would have rendered the claimed invention obvious. It is therefore respectfully submitted that Claims 78 to 93 are fully in condition for allowance.

An Information Disclosure Statement accompanies this Amendment. Consideration of the art cited therein is respectfully requested.

Applicants' undersigned attorney may be reached in our Costa Mesa office by telephone at (714) 540-8700. All correspondence should continue to be directed to our address given below.

Respectfully submitted,


Attorney for Applicants

Registration No. 32622

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200

CA_MAIN 73691 v 1